

# Community Gardens Policy

**Version:** 1.3

**Date updated:** 22 January 2019

**Responsible Department:** Active Communities

## 1. Purpose

The Community Gardens Policy confirms Council's commitment to community run community gardens.

## 2. Definitions

<b>Council</b>	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.
<b>Councillors</b>	means the individuals holding the office of a member of Casey City Council.
<b>Council officer</b>	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
<b>Community gardens</b>	means places where people come together to garden collectively, grow food and build community.
<b>Council owned land</b>	means land that is currently owned by Council.
<b>Proposed Council owned land</b>	means a parcel of land which is intended for transfer to Council ownership (in particular land that is part of a new estate or development which will be handed over to Council when development is complete).
<b>Council managed land</b>	means a parcel of land which is owned by another party, with an agreement/ lease in place for Council to manage the land on behalf of the land owner.

## 3. Scope

This policy applies to community groups, residents and organisations who wish to establish, or who already have established a community garden on Council owned, proposed Council owned, or Council managed land. This policy does not apply to the Myuna Farm and the Old Cheese Factory, or other community gardens that are Council operated.

This policy does not apply to community gardens established on Crown land, Department of Education and Early Childhood Development land or private land, except where Council has entered into an agreement with the owners to manage the property (land and/or building).

*Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at [www.casey.vic.gov.au/policiesstrategies](http://www.casey.vic.gov.au/policiesstrategies) to ensure that you have the current version, alternatively you may contact Customer Service on 9705 5200.*

## 4. Context

The rapid development of the municipality, a proliferation of small blocks and heightened interest in sustainable living has influenced growing interest in community gardens.

Council encourages participation in community gardens as they play a key role in building strong communities and social connection through:

- enhancing community identity.
- providing opportunities for environmental, social, educational and health benefits.
- fostering partnerships, co-operation and communication within the community.
- promoting social and cultural diversity.
- creating volunteer participation and skill development opportunities.
- enhancing civic pride.

This Policy is consistent with a number of Council policies and plans that encourage residents to be active and engaged in their community and promote healthy sustainable and connected communities, including:

- Municipal Public Health and Wellbeing Plan 2017 - 2021
- Landscape Policy 2010
- Community Facilities Plan 2018
- Sustainability Plan 2010

The Community Gardens Policy recognises that community gardens and the groups managing them must comply with the following legislation:

- *Planning and Environment Act (1987)*
- *City of Casey Community Local Law (2018)*
- *Casey Planning Scheme*
- *The Occupational Health and Safety Act 2004*
- *Child Wellbeing and Safety Act 2005.*

## 5. Policy

The City of Casey is committed to well run, sustainable, accessible and inclusive community gardens through:

- supporting the establishment of community run community gardens (where appropriate) on Council owned, proposed Council owned, and Council managed land.
- providing assistance to community groups to self-manage community gardens.
- facilitating residents' access to apply for community grants to fund community garden establishment and operation.

## 6. Roles and Responsibilities

### 6.1 Council's Role

Council's role in relation to community gardens includes:

- providing information to link residents with existing community gardens.
- supporting interested parties to establish and incorporate new community groups.
- working with interested parties to assess a potential community garden site including location suitability, soil suitability, complementary use of Council's community facilities and accessibility for all residents.

- funding opportunities.
- promoting community gardens (e.g. on the City of Casey website).
- considering requests from community groups to establish community gardens on Council owned, proposed Council owned, and Council managed land.
- negotiating an initial occupancy agreement with the community garden group for up to two years if an application to establish a community garden on Council owned, proposed Council owned, and Council managed land is successful.
- negotiating an extension to the occupancy agreement if conditions of the agreement are met and there is continued support for the community garden.

The City of Casey's Community Gardens Guidelines provide detailed information for residents interested in starting a community garden group and then supporting the group to self-manage a successful community garden. These guidelines also outline how community groups can apply for approval to establish a community garden on Council owned, proposed Council owned, or Council managed land.

Once a community garden group is established Council support will be similar to that provided to other community groups, e.g. arts groups, residents groups.

Council's preference is for community gardens to be co-located with other Council community facilities.

All children or young people who attend services, programs, events and spaces in the City of Casey have the right to feel and be safe. The wellbeing and safety of children and young people in our care will always be our priority.

Council is not responsible for the maintenance or management of community gardens and associated assets.

## 6.2 Community garden group's role

The community garden group's role in relation to community gardens includes:

- Identifying a site for the community garden that is well located – preferably one that is co-located with other Council community facilities, and is close to public transport or car parking, securely fenced, convenient to facilities such as public toilets, water, electricity and equipment storage.
- providing a detailed site map of the proposed location.
- applying for and obtaining any relevant planning and/or building permits.
- engaging the community surrounding the proposed community garden, and through public consultation identify and manage risks.
- working with Council to ensure the soil at the proposed community garden site is suitable for growing food for human consumption.
- ensuring that the group is financially stable enough to meet the ongoing costs of maintaining the community garden at an acceptable standard.
- maintaining the membership of the group into the future.
- complying with the terms and conditions of the occupancy agreement set by Council for the community garden.
- Complying to Council's requests that all users of a community garden do not leave children up to 18 years of age at the garden without a supervising adult.

### 6.3 Application process and conditions of use

All eligible community garden groups wishing to utilise Council owned, proposed Council owned or Council managed land to develop a community garden, must complete an application form.

To be eligible, community garden groups must:

- be incorporated or auspiced by an incorporated association.
- hold (or purchase upon application approval) a minimum \$10 million public liability insurance.
- Be willing to collaborate with Council and the community.
- provide a plan:
  - identifying and managing any possible risks related to operating the community garden.
  - detailing how the momentum of the group will be kept going into the future.
  - Outline how community support will be obtained for the proposed community garden.
  - detailing how the community garden group will be funded.
  - provide a detailed site map of the proposed location.

Once approval is received by Council, the community garden group is responsible for maintaining and self-managing the community garden.

### 6.4 Committee of Management's role

If a community garden is proposed to be located on a site, which is managed by a community committee (e.g. a Neighbourhood House or Community Learning Centre) through a lease agreement, the proposal can only proceed to Council if it has the written support of the committee of management for the establishment and operation of a community garden within that site. Any works or alterations to the premises would require Council consent as per the terms of the lease agreement.

### 6.5 Permit fees and charges

Council sets fees and charges for planning permits, building permits and occupancy agreements, which may be applied for the establishment of community gardens. Information regarding these fees is available on Council's website. Fees and charges are reviewed annually as part of Council's annual budget process.

Officers will advise groups if their community garden would attract any fees. Cost sharing arrangements (e.g. utilities) may also be required. See the Council's Community Gardens Guidelines for more details.

### 6.6 Relocation or closure of a community garden

Council is not responsible for maintaining community gardens. Council reserves the right to terminate the agreed use of the land if a community garden established on Council owned, proposed Council owned, or Council managed land:

- fails to comply with the terms of the occupancy agreement.
- is not maintained.
- if Council requires the land for another purpose.
- becomes unsafe or unsightly.
- ceases to be insured.

Additionally, both the community garden group and Council have the right to terminate the occupancy agreement if the group ceases to function or is no longer auspiced by an incorporated organisation.

## **7. Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

## **8. Review**

The next review of this document is scheduled for completion by 30 April 2023.